REMARKS/ARGUMENTS

By this Amendment, claims 2, 11, 16-18 and 20-28 are amended, claim 1 is canceled and claims 29-30 are added. Claims 2-30 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application into condition for allowance (for reasons discussed herein), (b) does not raise any new issues requiring further search and/or consideration (because the Amendment is directed to subject matter previously considered during prosecution), (c) does not present any additional claims without canceling a corresponding number of finally rejected claims, and (d) places the application into better form for appeal, should an appeal be necessary. Thus, Applicants respectfully request entry of the Amendment.

The Examiner sets forth that claim 1 (and its respective dependent claims 2-28) is objected to for the following reason. According to the Examiner, since the intended meaning could be determined from the specification and the Figures, a 112 rejection was not made but instead this lack of clarity issue is being raised in the following claim objection.

The Examiner believes that specifically, part of the claim stating "performing said medical procedure on said eye in accordance with said iris biometric image" creates a lack of clarity. Specifically, the Examiner believes that the biometric image does not state what procedure to perform but instead provides information (such as detecting a tumor) from which it is then determined what procedure to perform. The Examiner sets forth that for purposes of examination the assumed meaning is "performing said medical procedure on said eye in accordance with <u>information provided</u> by said iris biometric image".

The Examiner further sets forth that claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

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Specifically, the Examiner believes that the claimed "wherein said feature" lacks an antecedent basis and it is not clear if the dependency of the claim is incorrect (and if so, what claim, claim 28 was meant to depend from) or if some additional limitations were inadvertently omitted and the lack of clarity renders the claim vague and indefinite. According to the Examiner for purposes of examination, it is assumed that claim 28 meant to depend from claim 18.

The Applicants submit that the claims have been amended accordingly.

The Examiner sets forth that claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hohla et al. Patent No. 7,146,983.

The Examiner believes that Hohla reads on these claims by disclosing the limitations therein including the following: a method for performing a medical procedure (the Examiner directs the Applicants' attention to Figure 1, column 10, line 25 to column 11, line 17) comprising obtaining an iris biometric image representative of an iris of an eye (the Examiner directs the Applicants' attention to column 10, lines 5-24, column 10, lines 58-61, column 11, line 9); and performing a medical procedure on an eye based upon the information provided by the biometric image (the Examiner directs the Applicants' attention to column 10, line 25 to column 11, line 17, column 12, lines 19-44). According to the Examiner, Hohla further discloses obtaining first and second biometric images and comparing them to provide a biometric comparison result (the Examiner directs the Applicants' attention to column 12, lines 19-44, column 16, lines 63-67); identifying an eye or iris in accordance with the result (the Examiner directs the Applicants' attention to column 10, line 57 to column 11, line 17); the eye having at least one feature which is represented by at least one biometric image (the Examiner further directs the Applicants' attention to column 11, lines 25-45, column 11, line 35, claim 11); performing the medical procedure in accordance with the identifying (the Examiner further directs the Applicants' attention to Figure 1, column 10, line 25 to column 12, line 44); determining a location, orientation, translation or altering a relative location of the iris in accordance with the at least one feature (the Examiner further directs the Applicants' attention to column 2, lines 38-45, column 10, line 57 to column 11, line 17); directing a light beam in accordance with the at least one feature (the Examiner further directs the Applicants' attention to column 5, lines 26-51); providing

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO.

6,750,515 B2

DATED:

June 15, 2004

INVENTORS:

Ming-Dou Ker et al.

It is hereby certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 1, Col. 9, Line 22, "n-type portions and" should read --p-type portions and--.

Claim 1, Col. 9, Line 25, "n-type portion and" should read --p-type portion and--.

MAILING ADDRESS OF SENDER

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